

Enclosure A of Fiscal Note
Summary and Comparison of Major Changes to Seattle's Side Sewer Code 2010

Chapter 21.16
SIDE SEWERS

21.16.030 Definitions

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable.	Added approximately 5 new definitions Changes to ≈ 15 others	Necessary to clarify certain provisions. Necessary to implement changes to FOG program

Key New or Significantly Revised Definitions (new definitions indicated by underline)		
	<u>Authorized Agent</u> <u>Certified Individual</u> <u>Food Waste</u> <u>Grease Interceptor</u> <u>Responsible Party</u> Public Sewer System Registered Side Sewer Contractor Side Sewer Standard Plans and Specifications Watercourse	

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21.16.060 Registered side sewer contractor--Qualification--Registration--Insurance--Bond--Registration expiration and renewal

Current Code (2006)	Proposed Code (2010)	Remarks
Requires Registered Side Sewer Contractors (RSSCs) to submit a roster of individuals who have completed the RSSC test (defined as Certified Individuals).	Revised to require a roster of Certified Individuals and employees authorized to apply for permits on behalf of the RSSC (defined as Authorized Agents).	Allows City to track which employees are authorized by each RSSC to do work in the public place or apply for permits on their behalf.
Requires contractors to complete an oral examination to become RSSCs.	Removes requirements for Oral Exam; no longer used by City as requirement.	Updating Code to reflect current practices.

21.16.065 Suspension of registration

Current Code (2006)	Proposed Code (2010)	Remarks
Allows City to suspend RSSC registration for non-payment of invoices for work performed by the City on the RSSC's behalf.	Added language that this suspension would occur after invoice for services is unpaid for 90 days.	Clarifying timeframes and responsibilities for suspension of registration.

21.16.070 Permit and fee required for connection and repairs

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Current Code (2006)	Proposed Code (2010)	Remarks
Four paragraphs addressing permit requirements for side sewer work. The first paragraph basically states that a side sewer permit is required for all side sewer construction, repairs, additions, alterations, capping, etc	Deleted existing first paragraph and inserted existing language from Section 21.24.010 of the SMC as a replacement.	More clearly states that a permit is required for this same work and that it is unlawful to do any of this work without a permit.

21.16.071 Permit application and fees

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable. No fee schedule is shown in current Code.	Cut and pasted entire Section of SMC 21.24.021 relating to fees charged for side sewer permitting and inspection work.	Allows side sewer construction requirements and permitting and inspection fee requirements for this work to be in one code. Also allows enforcement provisions to be clearly applicable to fee violations as well as construction violations. No change in fees or practices.

21.16.077 Refund of sewer permit fees

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Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable. No refund provisions are shown in the current code.	Cut entire section from SMC 21.24.090 and pasted portions into this new section of 21.16. Simplified existing refund language, and eliminated specific fund and department references. Added new subsection disallowing refunds for repair permits.	As above, this places side sewer permit requirements and fee provisions in the same code. References to specific departments and funds for fees and refunds were deleted as unnecessary.

21.16.080 Permit--Application--Authority of the Director of the Seattle Public Utilities

Current Code (2006)	Proposed Code (2010)	Remarks
Not applicable.	Added new subsection regarding SPU's authority to not issue side sewer permits to applicants for not paying City invoices or for not complying with enforcement notices issued by SPU.	Replicates similar existing language that applies to Registered Side Sewer Contractors

21.16.190 Ownership of side sewers

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Current Code (2006)	Proposed Code (2010)	Remarks
Establishes side sewers as being owned by the properties that they serve.	Clarifies that side sewer ownership does not include the tee or connection at the public main.	This is the common understanding in Seattle, but has not been clear in the Code previously. This section formalizes the authority for what is already common practice.

21.16.200 Use of existing sewer for new building; PROPOSED AS Reserved

Current Code (2006)	Proposed Code (2010)	Remarks
Allows City to regulate and approve the use of existing side sewers.	Renumbered as Section 240, see below.	Part of reorganization of the Construction and Agreements sections of this Code. See Section 240 for changes to regulations for use of existing side sewers.

21.16.230 Reserved; PROPOSED AS Connections to new or converted buildings

Current Code (2006)	Proposed Code (2010)	Remarks
Current language for side sewer connections in Subsection 270C of this Code. States policy of one building per side sewer connection. Discretion for City to allow multiple connections is reserved but is limited.	Moved language from Subsection 270C to this section. Added language disallowing shared side sewers between non-residential properties or buildings with other properties or buildings. Discretion for City to allow multiple connections is still reserved, but less limited.	Part of reorganization of the Construction and Agreements sections of this Code. Clarified intent of existing language regarding overall City policy of "one building, one side sewer". Side Sewer Code Director's Rule has examples of when more than one building or property may share a side sewer.

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21.16.240 Reserved; PROPOSED AS Use of existing side sewer

Current Code (2006)	Proposed Code (2010)	Remarks
Current language for reuse of existing side sewers in Section 200 of this Code (see above). Current language establishes City authority to regulate use of existing side sewers, but does not have specific requirements.	New code language clarifies requirements for existing side sewers to "conform to all requirements of this chapter" if reused. Includes evaluation by licensed engineer, certification of capacity, and rehabilitation requirements if side sewer is non-conforming. Applies to new developments and to developments that increase density/dwelling units.	Part of reorganization of the Construction and Agreements sections of this Code. This new section allows reuse of existing side sewers while still assuring the City and existing side sewer users that the pipe system is up to standards (doesn't leak, has proper slope, etc). Some relief from these requirements is outlined in the Side Sewer Code Director's Rule.

21.16.250 Easements and agreements

Current Code (2006)	Proposed Code (2010)	Remarks
Requires all affected property owners (including existing users) to indemnify the City for shared side sewer connections.	Requires only indemnification of the City by the permit applicant requesting a shared side sewer connection.	Based on input from DPD, SPU, and City Attorney's Office, the City cannot require an existing side sewer owner to indemnify the City for a new applicant's connection permit.
No current language regarding shared side sewer connection agreements for connections to existing side sewers.	Requires property owners served by new side sewer to sign a joint-use and maintenance agreement. Agreements are not required for reconnections if the proposed development does not	Indemnification and connection agreement requirements were not clear in previous code.

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	increase units (i.e. does not propose increased density) that could adversely affect existing side sewer function.	
No current language regarding private construction over public sewers or drains (buildovers).	New subsection establishes authority to prohibit construction work over existing public sewers or drains.	Mitigate impacts of construction to public infrastructure on private property.
No current language regarding minimum requirements for allowing private construction over public sewers or drains (buildovers).	Establishes minimum requirements when the City may allow a variance to construct over existing public sewers or drains.	Mitigate impacts of construction to public infrastructure on private property.

21.16.260 Installation when compliance impractical; PROPOSED AS Construction requirements and specifications

Current Code (2006)	Proposed Code (2010)	Remarks
Current language for side sewer construction requirements in Section 270 of this Code. Current language establishes City authority to require extensions when the public main does not abut the site.	Some previous text removed that was obsolete or irrelevant. Section number changed.	There is more detail about utility extensions in the Side Sewer Code Director's Rules.

21.16.275 Side sewer construction as-builts (new)

Current Code (2006)	Proposed Code (2010)	Remarks
No current language regarding side sewer as-built requirements.	New paragraph added establishing authority for City to require as-builts from side sewer work.	This is already accepted as a requirement with the City and contractors. This section formalizes the authority for what is already

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		common practice.
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21.16.310 Pretreatment facilities

Current Code (2006)	Proposed Code (2010)	Remarks
Requires pretreatment facilities for grease and oil to be maintained in continuously efficient operation at all times	New paragraph added to define "continuously efficient operation". Also prohibits additives in pretreatment devices.	Terms not clear in current code. Additives can be damaging to public utility infrastructure.

21.16.330 Standards for measurements and analysis

Current Code (2006)	Proposed Code (2010)	Remarks
References a common, technical text for waste and water quality sampling, testing, and analysis.	Added new references for recent and localized testing methods not referenced in this text.	Provide some clarity for new methods that may be referenced in side sewer work.

21.16.360, 370, 380 Authority to post notices, Unlawful destruction of notices, and Violation-Penalty

Current Code (2006)	Proposed Code (2010)	Remarks
These three sections comprised the portions of the side sewer code regarding notices of violations and penalties.	These sections have been removed and amended. New language added directly from the City's draft Revised Stormwater Code for enforcement, as shown below. Replaces existing language in current code under these	Provides more consistent enforcement processes and actions across related City regulatory responsibilities.

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	sections.	
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21.16.352 Violations

Current Code (2006)	Proposed Code (2010)	Remarks
No language defining violations. Section 21.16.370 states it is unlawful to tamper with notices posted pursuant to this chapter.	Clearly defines both civil and criminal violations, including non-compliance with standards and directives, vandalizing side sewers, tampering with notices, and aiding and abetting violation of this code.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

21.16.354 Liability and defenses of responsible parties

Current Code (2006)	Proposed Code (2010)	Remarks
No language defining liability and defenses of parties.	Provides definitions of defenses for violations and compliance requirements.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

21.16.356 Right of entry for enforcement

Current Code (2006)	Proposed Code (2010)	Remarks
No language providing authority for entry to enforce provisions of code.	Provides authority language for entry to enforce provisions of code.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

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21.16.358 Enforcement actions

Current Code (2006)	Proposed Code (2010)	Remarks
Current code establishes City's authority to post notices for violations under Section 21.16.360.	Expands and clarifies authority and requirements to investigate violations, issue stop work orders, and post notices of violations. Also explains review and appeals process for the Director and the City Attorney.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

21.16.360 Voluntary compliance agreement

Current Code (2006)	Proposed Code (2010)	Remarks
No language providing authority for negotiating voluntary compliance agreements.	Provides authority language and definitions for entering into voluntary compliance agreements.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

21.16.362 Penalties and damages

Current Code (2006)	Proposed Code (2010)	Remarks
Current code establishes maximum penalty for violations of \$300 or 90 days imprisonment, each day's violation constituting a separate violation.	Penalties assessed using matrix-based approach that more closely aligns nature of violation with size of penalty. Maximum penalty \$5,000 per each NOV issuance.	This is a matrix-based approach modeled after Washington State Department of Ecology's enforcement procedures. It provides clarity and consistency for violations in conjunction with the City's

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		Stormwater Code.
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21.16.364 Collection of costs and penalties

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding the collection of costs and penalties.	Establishes details and requirements for collecting invoices for violations and investigative and corrective costs accrued by the City, invoice requirements, collection following judicial review.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

21.16.366 Public nuisance

Current Code (2006)	Proposed Code (2010)	Remarks
No language defining public nuisance.	Defines public nuisance, abatement of public nuisances by the City, and collection of costs associated with abatement.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

21.16.368 Additional relief

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding additional relief or other enforcement actions by the City.	Establishes authority for the City to pursue other legal means of enforcement or relief to abate	Provides clear authority and consistency for violations in conjunction with the City's

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	violations of the code.	Stormwater Code.
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21.16.370 Suspension or revocation

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding the suspension or revocation of permits and approvals.	Establishes authority to suspend or revoke permits or approvals that were granted on the basis of inaccurate or misleading information.	Provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

21.16.372 Financial assurance and covenants

Current Code (2006)	Proposed Code (2010)	Remarks
No language regarding financial assurance and covenants.	Establishes authority and conditions for the city to require financial assurance or covenants.	Supports enforcement proceedings, and provides clarity and consistency for violations in conjunction with the City's Stormwater Code.

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21.16.374 Severability

Current Code (2006)	Proposed Code (2010)	Remarks
Severability is captured in small paragraph under the table of contents.	A formal section was allocated for this authority.	It is standard to have severability language in its own section. This will also be consistent with the City's Stormwater Code.